

Regular Army, and to their dependents and beneficiaries except as may be necessary to adapt said provisions to the Women's Army Corps: *Provided*, That the husbands of women officers and enlisted personnel of the Regular Army shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such officers and enlisted personnel shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support. (June 12, 1948, ch. 449, title I, § 107, 62 Stat. 361.)

#### Chapter 19.—PHILIPPINE SCOUTS

§§ 328, 330.

##### CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

#### Chapter 20.—RESERVE FORCES

##### OFFICERS' RESERVE CORPS

Sec.

- 371a. Same; definition [New].
- 371b. Employment rights of Reserve officers and enlisted personnel; pay and allowances [New].
- 374. Army Nurse Corps and Women's Medical Specialist Corps Sections; establishment in Reserve [New].
- 375. Same; laws governing [New].
- 376. Same; appointments; qualifications [New].
- 377. Same; recall to active service [New].
- 378. Women appointed to Officers' and Enlisted Reserve Corps [New].
  - (a) Authorization.
  - (b) Appointment in grades; qualifications; women specialists.
  - (c) Laws applicable to commissioned personnel.
  - (d) Enlistments; laws applicable to enlisted personnel.
  - (e) Formation into organizations and units.

##### INJURIES IN LINE OF DUTY

455f. Definition of "in time of peace" [New].

##### ORGANIZED RESERVES

§ 341. Location and designation of units comprised entirely within State or Territory.

##### CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

##### OFFICERS' RESERVE CORPS

§§ 354, 360.

##### CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

§ 361. Right of Reserve officers to pay and allowances.

When on active duty he shall receive the same pay and allowances as an officer of the Regular Army of the same grade and length of active service, and mileage from his home to his first station and from his last station to his home. (As amended Mar. 25, 1948, ch. 157, § 2, 62 Stat. 87.)

##### AMENDMENTS

1948—Act Mar. 25, 1948, cited to text, by omitting the first sentence which limited a Reserve officer's right to pay and allowances to the time when he was on actual duty.

##### CROSS REFERENCES

United States Air Force, section as applicable to, see section 626k of Title 5, Executive Departments and Government Officers and Employees.

§ 369a. Same; number; grade; tour of active duty.

##### CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

§ 371. Government employees as Reserve officers and enlisted personnel; leaves of absence when ordered to duty.

All officers and employees of the United States or of the District of Columbia who shall be members of the Officers' Reserve Corps or the Enlisted Reserve Corps shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year: *Provided further*, That members of the Officers' Reserve Corps or the Enlisted Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty. (As amended July 1, 1947, ch. 192, § 1 (a), 61 Stat. 238.)

##### AMENDMENTS

1947—Act July 1, 1947, cited to text, amended section by giving to members of the Enlisted Reserve Corps the same right to military leave and reemployment as members of Officers' Reserve Corps have.

§ 371a. Same; definition.

The words "officers and employees of the United States or of the District of Columbia" as used in section 371 of this title shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite, without regard to classifications or terminology peculiar to the Federal Civil Service System. (July 1, 1947, ch. 192, § 4, 61 Stat. 239.)

##### CODIFICATION

Similar provisions are set out as section 76 of Title 32, National Guard, and section 853g-1 of Title 34, Navy.

§ 371b. Employment rights of Reserve officers and enlisted personnel; pay and allowances.

No existing law shall be construed to prevent any member of the Officers' Reserve Corps or the Enlisted Reserve Corps from accepting employment in any civil branch of the public service nor from receiving the pay incident to such employment in addition to any pay and allowances to which he may be entitled under the laws relating to the Officers' Reserve Corps and Enlisted Reserve Corps, nor as prohibiting him from practicing his civilian profession or occupation before or in connection with any department of the Federal Government. (May 12,

1917, ch. 12, 40 Stat. 72, amended July 1, 1947, ch. 192, § 1 (b), 61 Stat. 238.)

#### CODIFICATION

Section is from the Military Appropriation Act, 1918, act May 12, 1917, cited to text, as amended by act July 1, 1947, cited to text, which added to the original act the proviso set out as this section.

§ 374. Army Nurse Corps and Women's Medical Specialist Corps Sections; establishment in Reserve.

Effective April 16, 1947, there shall be established in the Officers' Reserve Corps of the Army of the United States an Army Nurse Corps Section and a Women's Medical Specialist Corps Section. (Apr. 16, 1947, ch. 38, title I, § 114, 61 Stat. 46.)

§ 375. Same; laws governing.

Except as otherwise specifically provided, all laws and regulations now or hereafter applicable to commissioned officers and former commissioned officers of the Officers' Reserve Corps, and to their dependents and beneficiaries, shall, in like cases, be applicable respectively to commissioned officers and former commissioned officers of the Army Nurse Corps Section and the Women's Medical Specialist Corps Section of the Officers' Reserve Corps, and to their dependents and beneficiaries. (Apr. 16, 1947, ch. 38, title I, § 115, 61 Stat. 46.)

§ 376. Same; appointments; qualifications.

Appointments in the Army Nurse Corps Section and the Women's Medical Specialist Corps Section of the Officers' Reserve Corps may be made in such grades and under such regulations as may be prescribed by the Secretary of the Army, from female citizens of the United States, who have attained the age of twenty-one years, and who possess such physical and other qualifications as may be prescribed by the Secretary of the Army: *Provided*, That female officers appointed pursuant to the Act of June 22, 1944, and honorably separated from the service thereafter may, if otherwise qualified, be appointed in the appropriate section of the Officers' Reserve Corps established in the highest grade satisfactorily held by her in active service. (Apr. 16, 1947, ch. 38, title I, § 116, 61 Stat. 46, amended July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

#### REFERENCES IN TEXT

Act of June 22, 1944, referred to in text, is set out as sections 1591-1598 of Appendix to Title 50, War and National Defense.

#### CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, cited to text.

§ 377. Same; recall to active service.

In addition to the obligation to render active service now or hereafter provided with respect to other members of the Officers' Reserve Corps a member of those sections established in the Officers' Reserve Corps by sections 374-377 of this title may, with her consent, be called to active duty by the Secretary of the Army for any period or periods of time according to the needs of the Military Establishment, as

determined by the Secretary of the Army. (Apr. 16, 1947, ch. 38, title I, § 117, 61 Stat. 47, amended July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

#### CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, cited to text.

§ 378. Women appointed to Officers' and Enlisted Reserve Corps—(a) Authorization.

Effective June 12, 1948, the appointment of women in the Officers' Reserve Corps of the Army of the United States and the enlistment of women in the Enlisted Reserve Corps of the Army of the United States shall be authorized.

(b) Laws applicable to commissioned personnel.

Except as otherwise specifically provided, all laws now or hereafter applicable to male commissioned officers and former commissioned officers of the Officers' Reserve Corps, to enlisted men and former enlisted men of the Enlisted Reserve Corps, and to their dependents and beneficiaries, shall in like cases be applicable, respectively, to female commissioned officers and former commissioned officers of the Officers' Reserve Corps, to enlisted women and former enlisted women of the Enlisted Reserve Corps, and to their dependents and beneficiaries, except as may be necessary to adapt said provisions to the female persons in the Officers' and Enlisted Reserve Corps: *Provided*, That the husbands of women officers and enlisted personnel of any of the Reserve components of the Army of the United States shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such personnel shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support.

(c) Appointment in grades; qualifications; women specialists.

Appointments of women in the Officers' Reserve Corps may be made by the President in grades from lieutenant colonel to second lieutenant, inclusive, from female citizens of the United States who have attained the age of twenty-one years and who possess such qualifications as may be prescribed by the Secretary of the Army: *Provided*, That any person who has served satisfactorily as the commanding officer (Director) of the Women's Army Corps established by Act of July 1, 1943 (57 Stat. 371), or as the Director of the Women's Army Corps created by sections 316-316e, 378, 506, 559, 559a, 559c, 559c-1, 559j-559o, 591-1, 621b, and 941a of this title, may, if otherwise qualified, be appointed in such Reserve Corps in the grade of colonel: *And provided further*, That women specialists (such as scientists and technical experts) who possess such qualifications as may be prescribed by the Secretary of the Army may be initially appointed in the Officers' Reserve Corps in such grades as may be prescribed by the Secretary of the Army in accordance with regulations prescribed by him.

(d) Enlistments; laws applicable to enlisted personnel.

Enlistments of women in the Enlisted Reserve Corps may be accepted under the provisions of law now or hereafter applicable to enlistments of male persons in the Enlisted Reserve Corps, under such regulations, in such grades or ratings, and for such periods of time as may be prescribed by the Secretary of the Army.

(e) Formation into organizations and units

The President may form any or all female members of the Officers' Reserve Corps and the Enlisted Reserve Corps into such organizations and units as he may prescribe. (June 12, 1948, ch. 449, title I, § 109, 62 Stat. 362.)

REFERENCES IN TEXT

Act of July 1, 1943 (57 Stat. 371), referred to in the text, was formerly classified to sections 1551-1554 of Appendix to Title 50, War and National Defense, and repealed by Joint Res. July 25, 1947, ch. 327, § 2 (a), 61 Stat. 451, eff. July 1, 1948. However section 110 of act June 12, 1948, cited to text, provided that this repeal should not be effective until twelve months after June 12, 1948.

RESERVE OFFICERS' TRAINING CORPS

§§ 381, 384-385a, 387, 387a, 389, 390.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

ORGANIZED RESERVE CORPS

§ 422. Organized Reserve Corps; organization and training; regulations; requirement as to active training or duty.

The Organized Reserve Corps shall include the personnel and units of the Officers Reserve Corps, the Enlisted Reserve Corps, and the Organized Reserves. The Secretary of the Army shall prescribe all necessary and proper regulations for the recruiting, organization, government, administration, training, inspection, and mobilization of the Organized Reserve Corps, and shall detail such officers and enlisted personnel of the Regular Army and Organized Reserve Corps, and shall make available such material, uniforms, arms, supplies, equipment, and other facilities of the Army, or procured from funds appropriated for the purpose as he may deem necessary and advisable for the development, training, instruction, and administration of the Organized Reserve Corps and the care of Government property issued to the members and units of the Organized Reserve Corps. Any or all members of the Organized Reserve Corps may be formed into military organizations, which in turn may be sponsored by civilian organizations as affiliated units.

Organized Reserve Corps units will be of three classes, varying in degree of organization, as follows:

1. Those combat and service types organized with a full complement of officers and men: *Provided*, That there will be included in this category only

those units which are considered necessary for prompt mobilization.

2. Those combat and service types generally organized with a full complement of officers and an enlisted cadre.

3. Those combat and service types generally organized with a full complement of officers only.

Under such regulations as the Secretary of the Army may prescribe, personnel of the Organized Reserve Corps shall assemble for drill, training, instruction, or other duty and shall participate in encampments, maneuvers, or other exercises: *Provided*, That assemblies for such duty under such regulations for members of the Organized Reserve Corps assigned to fully organized units shall be on the same minimum basis as now or hereafter prescribed for the National Guard: *Provided further*, That other units of the Organized Reserve Corps may be assembled, under such regulations, for such duty; however, personnel of these units may not receive pay in any one fiscal year for a total number of regular periods of instruction, or periods of appropriate duty, at which they shall have been engaged for not less than two hours, or for the performance of such other equivalent training, instruction, or duty or appropriate duties as may be prescribed by the Secretary of the Army in accordance with subsection (c) of section 114 of Title 37, in excess of 50 per centum of the number of such assemblies authorized for personnel assigned to similar positions in the National Guard: *Provided further*, That members of the Organized Reserve Corps not assigned to table of organization units may be required to perform duties as prescribed by such regulations and receive credit for regular periods of instruction or duty, for pay purposes, up to the same maximum as prescribed herein for members of units of the Organized Reserve Corps, other than fully organized type units: *And provided further*, That members of the Organized Reserve Corps classified in scientific or specialist categories, or members of the Organized Reserve Corps, whether or not assigned to a unit, who, under regulations prescribed by the Secretary of the Army, are designated for a mobilization day assignment, may be required to perform duties as prescribed by such regulations and receive credit for regular drill periods for pay purposes on the same minimum basis as prescribed herein for members of the Organized Reserve Corps in fully organized type units.

Under such regulations as the Secretary of the Army may prescribe, personnel of the Organized Reserve Corps may receive compensation as provided in section 114 of Title 37, for attending periods of instruction, or periods of appropriate duty, duly prescribed under the authority of the Secretary of the Army, including those performed on Sundays and holidays, or for the performance of such other equivalent training, instruction, or duty or appropriate duties, as may be prescribed by the Secretary of the Army.

Members of the Organized Reserve Corps in receipt of pay for the performance of drills, or other equiva-

lent training, instruction, or duty or appropriate duties, may be required to perform such active duty or training duty, not to exceed fifteen days annually, as may be prescribed by the Secretary of the Army: *Provided*, That they may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by direction of the Secretary of the Army: *Provided further*, That when authorized training or other duty without pay is performed by members of the Organized Reserve Corps they may in the discretion of the Secretary of the Army be furnished with transportation to and from such duty, with subsistence en route, and, during the performance of such duty, be furnished subsistence and quarters in kind or commutation thereof at a rate to be fixed from time to time by the head of the Department concerned. (As amended Mar. 25, 1948, ch. 157, § 4, 62 Stat. 89.)

## AMENDMENTS

1948—Act Mar. 25, 1948, cited to text, amended section generally to organize the Organized Reserve Corps into three classes, and to provide training and active duty requirements.

## CROSS REFERENCES

United States Air Force, section as applicable to, see section 626k of Title 5, Executive Departments and Government Officers and Employees.

## § 423. Persons eligible for enlistment.

## CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

## § 425. War as extending enlistment period.

## TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

## MILITARY TRAINING CAMPS

## §§ 441-443.

## CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

## INJURIES IN LINE OF DUTY

## § 455e. Required hospitalization and medical treatment.

## CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

## § 455f. Definition of "in time of peace".

As used in sections 455a-455e of this title, the term "in time of peace" shall include that period after September 2, 1945 (the date of formal surrender by Japan), which is prior to the first day on which the United States is, by action of the Congress, or the President, or both, no longer engaged in any war in

which the United States is engaged on June 19, 1948. (June 15, 1936, ch. 547, § 2, as added June 19, 1948, ch. 509, 62 Stat. 488.)

## APPLICATION TO DEPARTMENT OF THE AIR FORCE

Section 3 of act June 15, 1936, as added by act June 19, 1948, both cited to text, provided that: "The foregoing amendment [adding this section] shall be applicable to the Department of the Air Force to the same extent as if enacted prior to the passage of the National Security Act of 1947 [sections 171-171n, 181-1, 181-2, 411a, 411b, 626-626c of Title 5, and sections 401-405 of Title 50]."

## Chapter 21.—COMMISSIONED OFFICERS

## GENERAL PROVISIONS

## Sec.

505e. Date of nomination as date of appointment [New].

506. Regular Army Officers [New].

- (a) Appointment in grade.
- (b) General officers; appointment without specification of branch, arm, or service.
- (c) Appointment without specification of branch, arm, or service.
- (d) Determination of authorized active commissioned officer strength.
- (e) Detail for duty.
- (f) Reappointment without specification of branch of service.

506a. General officers of the Regular Army [New].

- (a) Authorized numbers.
- (b) Seniority list.
- (c) Date of rank.

506b. General officers [New].

- (a) Assignments or details.
- (b) Positions carrying rank of general and lieutenant general.
- (c) Membership on Military and Naval Staff Committee of the United Nations.
- (d) Grade on retirement.

506c. Additional Regular Army officers [New].

- (a) Appointment.
- (b) Qualifications.
- (c) Credit for service.
- (d) Determination of appointive grade.
- (e) Age limitations.
- (f) Appointment of graduates of Military Academy.
- (g) Effective date; interim appointments; certain service credits.

506d. Army officers [New].

- (a) Appointment to temporary grades.
- (b) Temporary appointment of officers in the Army of the United States.
- (c) Permanent grade unaffected by temporary appointment to higher grade.
- (d) Active duty of Reserve officers.
- (e) Appointment of qualified persons as temporary officers.
- (f) Temporary appointments made in Army of the United States.
- (g) Pay and allowances.
- (h) Rights, privileges, and benefits.
- (i) Definitions.

## RANK AND PRECEDENCE GENERALLY

517. Relative rank of general officers of the Army with flag officers of the Navy [New].

## DETACHED DUTY

535a. Same; payment of expenses [New].

## PROMOTION

555a. Examination provisions for promotion repealed; physical examinations for grades below brigadier general and specified Corps excepted [New].